



SIDLEY AUSTIN LLP  
ONE SOUTH DEARBORN STREET  
CHICAGO, IL 60603  
(312) 853 7000  
(312) 853 7036 FAX

wcarlson@sidley.com  
(312) 853 7734

BEIJING  
BRUSSELS  
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May 23, 2011

**BY CM/ECF**

Honorable Freda L. Wolfson  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Room 2020  
Trenton, NJ 08608

Re: *In re J&J Derivative Litigation*, Case No. 3:10-cv-2033 (D.N.J.)

Dear Judge Wolfson:

We, together with attorneys from Robinson, Wettre & Miller LLC, represent nominal defendant Johnson & Johnson ("J&J") in the above-captioned matter. In the Revised Scheduling Order entered November 17, 2010, Your Honor directed: "There shall be a status conference at a date to be set by the Court after the completion of briefing of any motion to dismiss." (Dkt. 93, ¶ 5) Briefing has now been completed on J&J's Motion to Dismiss the Consolidated Amended Complaint.

In accordance with the Revised Scheduling Order, we respectfully request that a status conference be scheduled. We note that plaintiffs' counsel, Mr. Cecchi, filed a letter with the Court on May 13, 2011, requesting that a date be set for oral argument on J&J's pending motion to dismiss. (Dkt. 134.) We agree that oral argument on the motion to dismiss should be scheduled. However, we believe that it is appropriate to have a status conference to cover open issues with the Court before setting a date for oral argument.

There are several issues to be covered at the status conference. First, counsel for J&J can update the Court on the status of the Special Committee's ongoing investigation, which is scheduled to be completed by the end of June. Second, two new shareholder derivative cases seeking to assert claims on behalf of J&J have recently been filed in the District of New Jersey. The undersigned filed a request with the Court today to consolidate these new derivative cases with this case, pursuant to this Court's August 17, 2010, Order (Dkt. 65). At the status conference we can discuss whether the Court would like J&J to bring its motion to dismiss these two clearly-related cases before scheduling oral argument. Third, the now fully-briefed motion



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of Abraham, Fruchter & Twersky, LLP to intervene can be discussed. The Court may have additional issues beyond these three that it wishes to address as well.

Lead counsel for J&J will be out of the country and unavailable until June 15, but is available after that date for a status hearing.

Respectfully submitted,

SIDLEY AUSTIN LLP

By:   
Walter C. Carlson

ROBINSON, WETTRE & MILLER LLC

By: s/Donald A. Robinson  
Donald A. Robinson

cc: Honorable Douglas E. Arpert (By CM/ECF)  
All Counsel of Record (By CM/ECF)